

REMARKS

Claims 1-20 remain in this application. Claims 1-20 are rejected. Claims 18 and 20 are amended herein to clarify the invention, to broaden language as deemed appropriate and to address matters of form unrelated to substantive patentability issues.

Applicant acknowledges that the original patent must be surrendered, or an affidavit or declaration explaining loss or inaccessibility must be submitted before this reissue is allowed, as noted in the Office Action. However, since the application may be accepted for examination under 37 CFR 1.178, applicant elects to delay surrender of the patent or filing of a declaration until prior to allowance.

The Office Action states that since the record is silent regarding the existence of an assignee, it is presumed an assignee does exist. Applicants positively state for the record that no assignment has been made, and applicant is under no duty to assign the subject patent. A statement to this effect indicating the absence of an assignee is now included in a supplemental reissue oath/declaration filed herewith. Applicant submits, therefore, that no assent of assignee is required.

The reissue oath/declaration filed with this application has been held to be defective for various cited reasons. Applicant respectfully disagrees that the oath/declaration is defective, since applicant has used the precise wording contained in the sample reissue oath/declaration given at page 1400-25 of the M.P.E.P 8th Edition (August 2001). As noted above, however, a supplemental reissue oath/declaration, which has been prepared in consideration of the Examiner's comments, is being filed herewith in order to assure that applicant is fully responsive.

Applicant herein traverses and respectfully requests reconsideration of the rejection of the claims cited in the above-referenced Office Action.

Claims 1-20 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251. As noted above, a supplemental declaration is submitted herewith. Therefore, applicant submits that the rejection under 35 U.S.C. 251 has been overcome.

Claims 18 and 20 are rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention as a result of informalities stated in the Office Action. The claims are amended to remove or correct the informalities noted in the Office Action. Therefore, reconsideration of the rejection of claims 18 and 20 and their allowance are earnestly requested.

Claims 18 and 20 are rejected under 35 U.S.C. § 251 as being an improper recapture of broadened subject matter surrendered in the application for the patent upon which the present reissue is based. Claim 18 is amended to restore the subject matter deemed surrendered. In making the amendment, it is respectfully submitted that applicant has appropriately substituted the word --implementable-- for "operable" since the term refers directly to the relative movement of the blocking and cooperative structures necessary to move them between a removal-inhibiting position and a facilitated-removal position and accomplish the fastening operation. As a method claim, claim 18 was amended to avoid use of a structural means clause, and to more properly use functional terms to define the invention. It is believed that the term --implementable-- is a more appropriate expression in this context, and one which does not broaden the scope of the claim with regard to this limitation, since as amended, the recitation, which in substance states that "operable movement, i.e. relative movement of blocking structure and cooperating structure, is implementable from an article disposition side," is equivalent in scope to the expression that a certain mechanism which functions to accomplish such relative movement "is operable from the article disposition side." Since this amendment does not substantively alter the subject matter of the claim, no explanation is believed necessary regarding support for the amendment in the original disclosure.

Claim 20 is amended to restore the recitation --being operable from said article disposition side--, which now appears in what applicant believes is a more appropriate location in the claim.

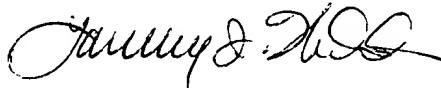
Claims 18 and 20 are further amended to add the phrase --said support element presenting a widened support expanse--. Support for this amendment is found, for example, at column 6, lines 1-13.

Thus, it is respectfully submitted that the rejected claims now avoid rejection under 35 U.S.C. 251 for the reasons stated above. Reconsideration of the rejections of claims 18 and 20 and their allowance are respectfully requested.

Applicant respectfully requests a three (3) month extension of time to extend the response date to January 28, 2002. Please find check no. 1514 in the amount of \$460.00 to cover the above fee which accompanies a Petition For Extension filed herewith.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully Submitted,



Lawrence I. Wechsler  
Applicant

One Wooleys Lane  
Great Neck, NY 11021  
(516) 773-3565